

Senate Bill No. 1471

CHAPTER 1107

An act to add Section 234 to the Labor Code, relating to wages.

[Approved by Governor September 29, 2002. Filed
with Secretary of State September 29, 2002.]

LEGISLATIVE COUNSEL'S DIGEST

SB 1471, Romero. Sick leave.

Existing law requires an employer who provides sick leave to employees, as defined, to permit an employee to use sick leave to attend to an illness of a child, parent, spouse, or domestic partner. An employer is prohibited from retaliating against an employee who uses sick leave for this purpose. An employee aggrieved by a violation of this law may recover legal and equitable relief from his or her employer.

This bill would provide that if an employer maintains an absence control policy that counts sick leave used to attend to an illness of a child, parent, spouse, or domestic partner as a basis for discipline, demotion, discharge, or suspension, the policy would be a per se violation of the law, entitling an employee working under the policy to appropriate relief.

The people of the State of California do enact as follows:

SECTION 1. Section 234 is added to the Labor Code, to read:

234. An employer absence control policy that counts sick leave taken pursuant to Section 233 as an absence that may lead to or result in discipline, discharge, demotion, or suspension is a per se violation of Section 233. An employee working under this policy is entitled to appropriate legal and equitable relief pursuant to Section 233.

